

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:98-CR -37-12-F2

UNITED STATES OF AMERICA,

v.

TIVARUS MONTIENTO McRAE,  
Defendant.

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ORDER

Tivarus McRae's ("McRae") "has filed another motion for relief in this court. This most recent motion, entitled, "Motion to Arrest Judgment Rule 34" [DE-808], demands that the undersigned arrest judgment entered on the order of September 19, 2012 [DE-807] and recuse from further consideration of this case. McRae notes that his repeated motions for post-conviction collateral review have been denied, and he contends this court's rulings are based on a motive to discriminate against him due to his "ethnic origin of African American and his socioeconomic status as indigent, which did result in use of a court appointed attorney." Motion [DE-808], p. 1. He complains that this court's orders are not supported by findings of fact and conclusions of law.

Although the court DENIES McRae's motion to recuse and to arrest judgment [DE-808], the Clerk of Court is DIRECTED to process that motion as a timely notice of appeal of the order [DE-807].

SO ORDERED.

This, the 9th day of October, 2012.

  
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JAMES C. FOX  
Senior United States District Judge